

REMARKS

The application includes claims 1-24 prior to entering this amendment.

The examiner objects to claims 2-9, 16, 18, and 23 as being dependent upon a rejected base claim, and indicates that these claims are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The examiner rejects claims 1, 10-15, 17, 19-22, and 24 under 35 U.S.C. § 102(e) as being anticipated by Joffe, et al. (U.S. Patent No. 6,600,750).

The applicant amends claims 1-22 to more clearly point out and distinctly claim the applicant's patentable techniques.

The applicant adds new claims 25-30.

The application remains with claims 1-30 after entering this amendment.

The applicant adds no new matter and request reconsideration in view of the following remarks. The applicant points out that the claimed subject matter may be patentably distinguished from the cited reference(s) for multiple reasons; however, the following remarks are believed to be sufficient. Likewise, it is noted that the applicant's failure to comment directly on any of the positions asserted by the examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

Claim Objections – Dependent Upon a Rejected Claim

The examiner objects to claims 2-9, 16, 18, and 23 as being dependent upon a rejected base claim, and indicates that these claims are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant thanks Examiner Sam for acknowledging the allowability of these claims.

The applicant herein amends claims 2-4 to include all the elements of independent claim 1 and any intervening rejected claim. The applicant points out that the phrase "independently of" has been changed to the phrase "separately from" in claims 1-4 to more clearly point out and distinctly claim the applicant's patentable techniques. The applicant further amends dependent claims 5-16 to depend from claim 2 rather than from claim 1. Accordingly, all of claims 2-16 are in condition for the examiner's allowance for at least this reason.

The applicant chooses not to amend claims 18 and 23 at this time, and will argue those claims on the merits in the remarks below.

Claim Rejections - 35 U.S.C. § 102

The examiner rejects claims 1, 10-15, 17, 19-22, and 24 as being anticipated by Joffe. The applicant traverses the rejection for the reasons that follow.

Claim 1 recites:

at least one fax modem device for transmitting the fax document to the fax recipient through a public switching network, wherein a fax number designating the fax recipient is obtained separately from the e-mail.

Claims 17 and 21 recite:

retrieving a destination fax number of a fax recipient separate from the e-mail message; and

transmitting the fax document to the fax recipient thereby enabling the fax recipient to receive e-mail messages without access to the data networking network.

Claim 22 recites:

means for retrieving a destination fax number of a fax recipient separate from the e-mail message; and

means for transmitting the fax document to the fax recipient thereby enabling the fax recipient to receive e-mail messages without access to the data networking network.

With regard to claim 1, the examiner indicates:

(b) at least one fax modem device for transmitting the fax document to the fax recipient through a public switching network, wherein a fax number designating the fax recipient is obtained independently of the e-mail (see Fig. 3, col. 9, lines 18-27).¹

With regard to claims 17 and 21, the examiner indicates:

(c) retrieving a destination fax number independent of the e-mail message (see Fig. 2, col. 6, lines 57-64);²

With regard to claim 22, the examiner indicates:

¹ Office Action, page 2.

² Office Action, page 3.

(c) means for retrieving a destination fax number independent of the e-mail message (see Fig. 2, col. 6, lines 57-64);³

The above-cited portions of Joffe are:

Multiple passes of an email message and maintenance of the history or the context information pertaining to each pass allows for the fax system 200, in FIG. 2, to behave like a fax system that makes available the entire message to the router which is processing the message. This is due to each additional pass utilizing the information obtained from previous passes thereby effectively making the entire message available to the router.⁴

The processed messages, which are in the form of faxes 61, are coupled through 60 and the PSTN 62, to the fax machines 68 and 70 through links 64 and 66, respectively. Fax machine 68 receives a message 63 via the link 64 where the message 63 had to go through one pass only (or was transmitted from the mail server to the router only one time). Fax machine 70 receives the message 65 through the link 66, which had to go through several passes before it was completely processed as described above.⁵

The applicant points out that notably absent in the cited text, and seemingly absent in the entirety of Joffe, is any mention of a fax number. There is no indication in all of Joffe as to how Joffe determines a fax number for transmission of the message.

As far as the applicant can discern, none of the cited references cited teach “retrieving a destination fax number separate from the e-mail message” (as recited in claim 17, with similar elements in claims 1, 21 and 22). For example, Henry (U.S. Patent No. 6,424,426) extracts a FAX number from the E-mail message.

Accordingly, the cited reference does not disclose all of the elements of any of the applicant’s claims 1, 17, 21, and 22 as is required of a 102 rejection, and claims 1, 17, 21, and 22 are in condition for the examiner’s allowance for at least this reason.

As dependent claims 18-20 and 23-24 incorporate all of the elements of their respective independent claim, and as the independent claims are allowable per the remarks above, dependent claims 18-20 and 23-24 are in condition for the examiner’s allowance for at least this reason.

³ Office Action, page 4.

⁴ Joffe, col. 6, lines 57-64.

⁵ Joffe, col. 9, lines 18-27.

New Claims

The applicant adds new claims 25-30, each dependent on a respective one of independent claims 1 and 17. Support for the new claims is found in the application, for example on pages 16-18.

As dependent claims 25-30 incorporate all of the elements of their respective independent claim, and as the independent claims are allowable per the remarks above, dependent claims 25-30 are in condition for the examiner's allowance for at least this reason.

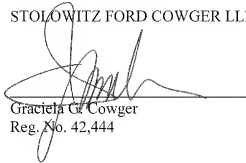
Conclusion

For the foregoing reasons, the applicant requests reconsideration and allowance of the remaining claims. The applicant encourages the examiner to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP

A handwritten signature in black ink, appearing to read 'Graciela G. Cowger', is written over a horizontal line. The signature is fluid and cursive.

Graciela G. Cowger
Reg. No. 42,444

STOLOWITZ FORD COWGER LLP
621 SW Morrison Street, Suite 600
Portland, OR 97205
(503) 224-2170